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Philadelphia Indemnity Insurance Company

8 **IN THE UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 PHILADELPHIA INDEMNITY INSURANCE
COMPANY, a Pennsylvania Corporation;

11 Plaintiff,

12 vs.

13 FIVE STAR RESTAURANTS, LLC, a Nevada
limited liability company; WESTBURY
14 MANOR ENTERPRISES, Inc. a Delaware
foreign business corporation; VINCENT
15 SCOTTO, an individual; MICHELINA
SCOTTO, an individual; DOE INDIVIDUALS 1
16 through 10, inclusive; ROE BUSINESS
ENTITIES 11 through 20, inclusive;

17 Defendants.
18

Case No.: 2:17-cv-00871

**STIPULATION AND ORDER TO
WITHDRAW MOTION TO COMPEL**

19 Plaintiff, Philadelphia Indemnity Insurance Company (“Philadelphia”), by and through its
20 attorneys, The Faux Law Group, and Five Star Restaurants, LLC, Westbury Manor Enterprises,
21 Inc., Vincent Scotto, and Michelina Scotto (the “Indemnitors”), through its attorneys, Brownstein
22 Hyatt Farber Schreck, LLP, hereby stipulate to withdrawal of Philadelphia’s Motion to Compel set
23 for hearing on April 3, 2018 at 10:00 A.M.

24 **STIPULATION**

- 25 1) On December 13, 2017, Philadelphia filed its Motion to Compel and For Sanctions ECF No.
26 52.
27 2) The Parties extended the time for the Indemnitors to respond twice via Stipulation and
28 Order.

- 3) During that time, the Parties have worked diligently to resolve the discovery dispute. The Indemnitors provided additional Interrogatory Responses, Verifications, the Parties were working towards mutually agreeable deposition dates, and the Parties were working towards resolution of the fee issues.
- 4) On January 31, 2018, the Indemnitors filed an Emergency Motion for Status Conference.
- 5) On February 1, 2018, Judge Gordon held a Status Conference wherein he instructed, among other things, for \$676,189.00 to be placed in escrow from a loan to be obtained by Westbury Manor Enterprises, Inc. (the “Loan”), for Philadelphia to file any UCC releases necessary for the Loan to close, and that the Parties would negotiate in good faith regarding the distribution of the escrow funds.
- 6) The Loan was funded and Judge Gordon issued Order ECF No. 77 regarding distribution of the Loan funds.
- 7) Given these further developments and in order to allow the parties to continue to work towards full resolution, the Parties agree that Philadelphia’s Motion to Compel should be withdrawn without prejudice and the hearing set for April 3, 2018 at 10:00 a.m. should be vacated.

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8) Both Parties reserve all rights and defenses.

DATED this 30th day of March, 2018.

DATED this 30th day of March, 2018.

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

THE FAUX LAW GROUP

By: /s/ Adam K. Bult,
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*Attorneys for Defendants Five Star
Restaurants, LLC; Westbury Manor
Enterprises, Inc.; Vincent Scotto; and
Michelina Scotto*

*Attorneys for Plaintiff Philadelphia Indemnity
Insurance Company*

IT IS SO ORDERED:

DATED this 2nd day of April, 2018.


UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

The undersigned, an employee of The Faux Law Group, hereby certifies that on the 30th day of March, 2018, I served a copy of the foregoing document, **STIPULATION AND ORDER TO WITHDRAW MOTION TO COMPEL** by electronically filing in the CM/ECF system addressed to:

	Adam K. Bult, Esq. Emily Ellis, Esq. Brownstein Hyatt Farber Schreck, LLP 100 N. City Parkway, Suite 1600 Las Vegas, NV 89106 <i>Attorney for Five-Star Restaurants, LLC, Westbury Manor Enterprises, LLC, Vincent Scotto, and Michelina Scotto</i>
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By: /s/ Jordan F. Faux
An Employee of THE FAUX LAW GROUP